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REAL ESTATE COMMISSION
Ruben Horta

BEFORE THE REAL ESTATE COMMISSION
STATE OF NEVADA

JOSEPH R. DECKER, Administrator,
REAL ESTATE DIVISION, DEPARTMENT
OF BUSINESS & INDUSTRY,
STATE OF NEVADA,

Case No. 2015-0006

Petitioner,

vs.

HELENA GARCIA,

Respondent.

COMPLAINT AND NOTICE OF HEARING

The REAL ESTATE DIVISION OF THE DEPARTMENT OF BUSINESS AND INDUSTRY OF THE STATE OF NEVADA ("DIVISION"), by and through its counsel, Adam Paul Laxalt, Attorney General of the State of Nevada, and Kimberly A. Arguello, Senior Deputy Attorney General, hereby notifies RESPONDENT HELENA GARCIA ("RESPONDENT") of an administrative hearing before the STATE OF NEVADA REAL ESTATE COMMISSION ("COMMISSION") which hearing will be held pursuant to Chapters 233B and Chapter 645 of the Nevada Revised Statutes ("NRS") and Chapter 645 of the Nevada Administrative Code ("NAC"). The purpose of the hearing is to consider the allegations stated below and to determine if the RESPONDENT should be subject to an administrative penalty as set forth in NRS 645.633 and/or NRS 645.630 and/or NRS 622.400, and the discipline to be imposed, if violations of law are proven.

JURISDICTION

RESPONDENT was at all relevant times mentioned in this Complaint licensed by the Division as a Salesperson under license number S.0046337 and is therefore subject to the jurisdiction of the Division and the provisions of NRS chapter 645 and NAC chapter 645.

FACTUAL ALLEGATIONS

1. RESPONDENT, at the relevant times mentioned in this Complaint, was licensed as a Salesperson under license number S.0046337 and is currently active and subject to the jurisdiction of the Division and the provisions of NRS chapter 645 and NAC chapter 645.

1 2. Maria Guzman was referred to RESPONDENT by Rosy Landa who was filing
2 Ms. Guzman's tax returns.

3 3. Ms. Guzman asked Ms. Landa if she had to declare \$150,000 that she received
4 from an accident settlement as income.

5 4. Knowing that Ms. Guzman had \$150,000, Landa asked if she wanted to buy a
6 home with the money and referred her to her "partner", the RESPONDENT.

7 5. The next day, on February 12, 2014, Ms. Guzman met with Landa and
8 RESPONDENT at RESPONDENT's office at 2160 W. Charleston.

9 6. RESPONDENT informed Ms. Guzman that she had a lot of foreclosure homes
10 for her review at her stated price range of \$120,000 and promised to help her find a home.

11 7. RESPONDENT provided Ms. Guzman with her business card.

12 8. On February 13, 2014 RESPONDENT called Ms. Guzman to come back to her
13 office; which she did.

14 9. At that time, RESPONDENT informed Ms. Guzman that she was going to help
15 her get a house, but it was going to take until August 1st. Ms. Guzman asked why so long and
16 was told by RESPONDENT to come back the next day and it would be explained to her.

17 10. On February 14, 2014, Ms. Guzman went back to RESPONDENT's office and
18 was met by Humberto Raiano and Alicia Raiano.

19 11. RESPONDENT told Ms. Guzman to go with the Raiano's to her bank to
20 withdraw the money for the house and RESPONDENT would have all the paperwork ready
21 when they got back.

22 12. Not really understanding, but taking the advice of RESPONDENT, Ms. Guzman
23 went with them and got a cashier's check in the amount of \$130,000.

24 13. Humberto Raiano told the teller to make the cashier's check payable to him and
25 his company because he was RESPONDENT's partner.

26 14. Ms. Guzman did not understand this and was told that RESPONDENT would
27 explain everything.
28

16. Approximately 15 days later RESPONDENT began sending emails with prospective properties to Ms. Guzman.

17. However, when Ms. Guzman asked to see them, RESPONDENT was rude.

18. Ms. Guzman then began to ask about her money and was told by
RESPONDENT to go ask Rosy Landa.

19. Ms. Guzman continued to call and request her money and was eventually given a \$5,000 check from Rosy Landa.

20. RESPONDENT claims that Ms. Guzman loaned the money to RAC Investments, of which she was a member and that this was not a part of a real estate transaction.

21. RESPONDENT provided the Division with a Promissory Note which is different than the Promissory Note previously provided.

22. Ms. Guzman is in the process of suing RESPONDENT for the return of her money.

VIOLATIONS

RESPONDENT has committed the following violations of law:

23. RESPONDENT violated NRS 645.633(1)(i), for the above conduct which is deceitful, fraudulent or dishonest dealing.

24. RESPONDENT violated NRS 645.630(1)(b) by making false promises that were likely to influence, persuade, or induce.

25. RESPONDENT violated NRS 645.633(1)(i), pursuant to NAC 645.605(11)(d) by providing false forged or altered documents to the Division which is deceitful, fraudulent or dishonest dealing.

DISCIPLINE AUTHORIZED

26. Pursuant to NRS 645.630 and NRS 645.633, the Commission is empowered to impose an administrative fine of up to \$10,000 per violation against RESPONDENT and further to suspend, revoke or place conditions on the license of RESPONDENT.

28. Therefore, the Division requests that the Commission take such disciplinary action as it deems appropriate under the circumstances.

PLEASE TAKE NOTICE, that a disciplinary hearing has been set to consider the Administrative Complaint against the above-named Respondent in accordance with Chapters 233B and 645 of the Nevada Revised Statutes and Chapter 645 of the Nevada Administrative Code.

THE HEARING WILL TAKE PLACE on December 16, 2015 commencing at 9:00 a.m., or as soon thereafter as the Commission is able to hear the matter, and each day thereafter commencing at 9:00 a.m. through December 17, 2015, or earlier if the business of the Commission is concluded. The Commission meeting will be held on December 16, 2015, at the Nevada Department of Employment Training and Rehabilitation, 2800 East St. Louis Avenue, Conference Room A-C, Las Vegas, NV 89104. The meeting will continue on December 17, 2015, should business not be concluded, starting at 9:00 a.m. at the Henderson City Hall, Council Chambers, 240 South Water Street, Henderson, Nevada 89015.

STACKED CALENDAR: Your hearing is one of several hearings scheduled at the same time as part of a regular meeting of the Commission that is expected to last from December 16 through December 17, 2015, or earlier if the business of the Commission is concluded. Thus, your hearing may be continued until later in the day or from day to day. It is your responsibility to be present when your case is called. If you are not present when your hearing is called, a default may be entered against you and the Commission may decide the case as if all allegations in the complaint were true. If you have any questions please call Rebecca Hardin, Commission Coordinator (702) 486-4074.

1 YOUR RIGHTS AT THE HEARING: except as mentioned below, the hearing is an
2 open meeting under Nevada's open meeting law, and may be attended by the public. After
3 the evidence and arguments, the commission may conduct a closed meeting to discuss your
4 alleged misconduct or professional competence. A verbatim record will be made by a certified
5 court reporter. You are entitled to a copy of the transcript of the open and closed portions of
6 the meeting, although you must pay for the transcription.

7 As the Respondent, you are specifically informed that you have the right to appear and
8 be heard in your defense, either personally or through your counsel of choice. At the hearing,
9 the Division has the burden of proving the allegations in the complaint and will call witnesses
10 and present evidence against you. You have the right to respond and to present relevant
11 evidence and argument on all issues involved. You have the right to call and examine
12 witnesses, introduce exhibits, and cross-examine opposing witnesses on any matter relevant
13 to the issues involved.

14 You have the right to request that the Commission issue subpoenas to compel
15 witnesses to testify and/or evidence to be offered on your behalf. In making the request, you
16 may be required to demonstrate the relevance of the witness' testimony and/or evidence.
17 Other important rights you have are listed in NRS 645.680 through 645.990, NRS Chapter
18 233B, and NAC 645.810 through 645.875.

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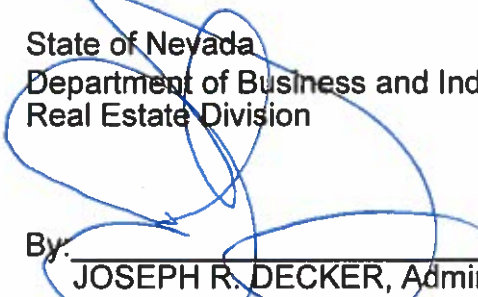
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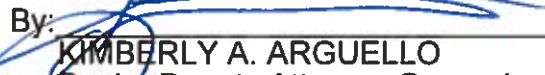
1 The purpose of the hearing is to determine if the Respondent has violated NRS 645
2 and/or NAC 645 and if the allegations contained herein are substantially proven by the
3 evidence presented and to further determine what administrative penalty is to be assessed
4 against the RESPONDENT, if any, pursuant to NRS 645.235, 645.633 and or 645.630.

5 DATED this 13th day of November, 2015.

6 State of Nevada
7 Department of Business and Industry
8 Real Estate Division

9 By: 
10 JOSEPH R. DECKER, Administrator
11 2501 East Sahara Avenue
12 Las Vegas, Nevada 89104-4137
13 (702) 486-4033

14 ADAM PAUL LAXALT
15 Attorney General

16 By: 
17 KIMBERLY A. ARGUELLO
18 Senior Deputy Attorney General
19 555 East Washington Ave., Ste. 3900
20 Las Vegas, Nevada 89101
21 (702) 486-3094
22 Attorneys for Real Estate Division
23
24
25
26
27
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